

To the Members of the California State Assembly:

I am returning Assembly Bill 2046 without my signature.

This bill requires local governments and public water suppliers to ascertain a very detailed level of information prior to approving new development projects that rely on groundwater.

Relying on contaminated groundwater as a water supply source for new development is problematic, especially in the instance where no foreseeable plans to clean up the groundwater exist. Nonetheless, accurate and precise computations of the amount of groundwater that can be reliably cleaned up and used in the future, as required by this bill, may be nearly impossible to produce. As a result, local governments and water suppliers would come under increased threat of litigation, due to the uncertainty inherent in calculating the status of ongoing efforts to treat or remediate contaminated groundwater.

California faces significant water challenges that require thoughtful solutions. But providing an additional basis for lawsuits and litigating water supply solutions does not result in the appropriate approach that we need to enable us to provide water for the benefit of our environment, our economy, or public health.

I encourage the author to continue working with the stakeholders and my Administration on a solution that addresses this issue, without creating another means for litigation that could be abused solely to halt development projects throughout the state.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger